



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II  
290 BROADWAY  
NEW YORK, NEW YORK 10007-1866

JUN 25 2010

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Attn: Michael J. Cancilla  
Charlestown Mall of Utica, LLC  
3 Hopper Street  
Utica, NY 13501-3522

Re: Charlestown Mall Site, Frankfort, Herkimer County, New York: Notice of Potential Liability and Request for Information Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601-9675.

Dear Mr. Cancilla:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threat of release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA" or the "Superfund law"), 42 U.S.C. §§ 9601-9675. EPA encourages you to give this letter your immediate attention. A complete and truthful response should be provided to the attached Request for Information within **30 days** of your receipt of this letter.

EPA has documented the release and threatened release of hazardous substances into the environment at the Charlestown Mall Site (the "Site") located at 2205 Bleeker Street, Frankfort, Herkimer County, New York, 13501 (and includes 311 Turner Street, Utica, Oneida County, New York). The condition of the Site was discovered by the New York State Department of Labor ("NYSDOL") and New York State Department of Environmental Conservation ("NYSDEC") after illegal demolition was found to be occurring on the property in April 2008.

The demolition discovered by NYSDOL involved buildings containing friable Asbestos Containing Materials ("ACM") which had not been abated. Samples collected by NYSDOL, NYSDEC, and EPA have confirmed the presence of ACM in the demolition debris present at the Site.

### NOTICE OF POTENTIAL LIABILITY

Under CERCLA and other laws, responsible parties may be held liable for all costs incurred by the federal government in taking response actions with respect to sites where there has been a release or a threatened release of hazardous substances. Under CERCLA, parties may be held jointly, severally, and strictly liable for all of EPA's response costs. Responsible parties under CERCLA include current and past owners and operators of the facility from which there has been a release or threat of release of a hazardous substance.

EPA has evaluated information obtained in connection with the Site. A review of this information, which includes property records, has revealed that you are the current owner and were the owner of the Site while building(s) collapsed and/or were demolished which caused the release or threatened release of hazardous substances into the environment. As a result, EPA believes you are a potentially responsible party ("PRP") with respect to the Site, within the meaning of Section 107(a)(1) and (2) of CERCLA, 42 U.S.C. Section 9607(a)(1) and (2).

### PERFORMANCE OF REMOVAL ACTION

Based upon our evaluation of conditions at the Site, EPA has determined that a clean up or "removal action" (as defined in CERCLA) is necessary at the Site to mitigate the threat of direct contact posed to the public by the presence of polychlorinated biphenyls (PCBs) and abandoned drums of chemicals, and the threat of exposure to the public by asbestos-contaminated demolition debris at the Site. The removal action will include: the removal and off-site disposal of PCBs and drums; demolition of dilapidated asbestos contaminated structures; consolidation of asbestos contaminated debris in place and installation of a temporary protective cover over the contaminated debris and off-site disposal.

### REQUEST FOR INFORMATION

Under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), EPA has broad information gathering authority which allows EPA to require persons to provide information and/or documents relating to materials generated, treated, stored, or disposed of at or transported to a facility, as well as the nature and extent of a release of a hazardous substance or pollutant or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup. You are hereby required pursuant to the authority of Section 104(e) of CERCLA to submit the information called for in the enclosed Request for Information.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information" and return that Certification to EPA with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104(e) authorizes EPA to pursue penalties for failure to comply with Requests for Information within.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat such information confidentially, you must advise EPA of that fact by following the procedures outlined in the enclosed instructions, including the requirement for supporting your claim for confidentiality.

Please note that if, after submitting your response, you obtain additional or different information concerning the matters addressed by our information request, it is necessary that you promptly notify EPA. This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501. See the enclosed Instructions for information on how to respond to the enclosed questions and/or information requests. Your response to this Request for Information should be mailed to:

Terry Kish  
On-Scene Coordinator  
Emergency and Remedial Response Division  
Removal Action Branch  
U.S. Environmental Protection Agency/Region II  
2890 Woodbridge Avenue (MS211)  
Edison, NJ 08837

And

U.S. Environmental Protection Agency/Region II  
Office of Regional Counsel  
New York Caribbean Superfund Branch  
290 Broadway-17th Floor  
New York, NY 10007-1866  
Attn: Henry Guzman

If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, please contact Mr. Kish at (732) 321-6641, or have your attorney contact Henry Guzman, Esq. at (212) 637-3166. We appreciate and look forward to your prompt response to this information request. Thank you.

Sincerely yours,



Ray Basso  
Strategic Information Manager  
Emergency and Remedial Response Division

Enclosures:

Request for Information

Figure 1 - Site Layout Diagram

U.S. EPA Small Business Resources Information Sheet

**ATTACHMENT 1**

**INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION**

**A. Directions**

1. A complete and separate response should be given for each question and/or information request. For each question and/or information request contained in this letter, if information or documents responsive to this information request are not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Identify each answer with the number of the question and/or information request and the subpart to which it responds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question and/or information request to which it applies.
3. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. Consult with all present and past employees and agents of your Company whom you have reason to believe may be familiar with the matter to which the question and/or information request pertains. Submission of cursory responses when other responsive information is available to your Company will be considered non-compliance with this Request for Information.
4. In answering each question and/or information request, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question and/or information request.
5. If you are unable to give a detailed and complete answer or to provide any of the information or documents requested, indicate the reason for your inability to do so.
6. If you have reason to believe that an individual other than one employed by your Company may be able to provide additional details or documentation in response to any question and/or information request, state that person's name, last known address, phone number and the reasons for your belief.
7. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, and number of pages and all recipients of the document with its addresses. If anything is omitted from a document produced in your response to the Request for Information, state the reason for neither or both and the subject matter of, the omission.

8. If you cannot provide a precise answer to a question or information request, please approximate, but in any such instance, state the reason for your inability to be more specific.
9. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim which covers part or all of the information requested, pursuant to Sections 104(c)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(c)(7)(E) and (F), and 40 C.F.R. §2.203(b).
10. If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim is confidential, you must separately address the following points:
  - a. The portions of the information alleged to be entitled to confidential treatment;
  - b. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
  - c. Measures taken by you to guard against the undesired disclosure of the information to others;
  - d. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
  - e. Pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determination or a reference to them, if available; and
  - f. Whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "Confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information, that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e) and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

11. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information".
12. If you have objections to some or all of the questions and/or information requests within the Request for Information, you are still required to respond to each of the questions and/or information requests.
13. If additional information or documents responsive to this Request for Information become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
14. Refer to the attached diagram, Figure 1 (Site Layout Diagram), when responding to any question and/or information request that relates to any buildings and/or structures at the Site.

**B. Definitions**

1. As used herein, the term, "Site" shall refer to the Charlestown Mall Site located at 2205 Bleeker Street, Village of Frankfort, Herkimer County, New York (and includes 311 Turner Street, Utica, Oneida County, New York) and any adjacent areas that may have been affected by the contamination from the Site.
2. The term "you" shall mean the addressee of this Request for Information, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns or agents.
3. As used herein, the terms "the Company" or "your Company" refer not only to Charlestown Mall of Utica, LLC as you are currently named and constituted, but also all subsidiaries, divisions, and branches as well as any predecessors and successors of Charlestown Mall of Utica, LLC.
4. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
5. The term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, at 42 U.S.C. § 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.
6. As used herein, the term "industrial waste" shall mean any solid, liquid, or sludge or any mixture thereof which possesses any of the following characteristics:
  - a. It contains one or more "hazardous substances" (at concentration) as defined in 42 U.S.C. Section 9601(14);
  - b. It is a "hazardous waste" as defined in 42 U.S.C. Section 6903(5);
  - c. It has a hydrogen ion concentration (pH) of less than 2.0 or greater than 12.5;
  - d. It reacts violently when mixed with water;
  - e. It generates toxic gases when mixed with water;
  - f. It easily ignites or explodes;
  - g. It is an industrial waste product;
  - h. It is an industrial treatment plant sludge or supernatant;
  - i. It is coolant water or blowdown waste from a coolant system; or

- j. It is a spent product which could be reused after rehabilitation; or it is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.
- 7. The terms "disposal", "hazardous waste", and "storage" shall have the meaning set forth in Sections 1004(3), (5), and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6903(3), (5), and (33), respectively.
- 8. The term "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including but not limited to the following: papers, books, records, letters, photographs, correspondence, communications, telegrams, cables, Telex messages, memoranda, laboratory work papers, batch sheets, other work papers, ledger sheets, transcripts, minutes, reports, recordings of telephone or other conversations or interviews or conferences or other meetings, statements or summaries, opinions, reports, studies, drafts, analyses, bulletins, notices, affidavits, announcements, advertisements, instructions, charts, manuals, brochures, publications, schedules, journals, statistical records, diaries, lists, logs, well logs, field logs, tabulations, sound recordings, computer printouts, computer-readable materials, chromatograms, spectrographs, mass spectra or spectrograms, data generated from any physico-chemical methods of analysis, data processing input and invoices, checks, notes, diagrams, maps, graphs, or materials with handwriting or other printing on them and other tangible material. "Document" shall also include any data compilation from which information can be obtained or translated if necessary by you through detection devices into reasonably usable form.
- 9. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
- 10. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
- 11. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).
- 12. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.
- 13. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone

number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.

14. The term “identify” means, with respect to a corporation, partnership, business trust, or other association or business entity (including a sole proprietorship), to provide its full name, address, and affiliation with the individual and/or company to whom/with this request is addressed.
15. The term “identify” means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter. The Company can provide a copy of any document in lieu of so describing it.
16. The terms “and” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these questions and/or information requests information that might otherwise be construed to be outside of their scope.
17. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, in which case the statutory definitions shall apply

**ATTACHMENT 2**

**REQUEST FOR INFORMATION**

1. Provide your correct legal name and mailing address.
2. Identify any other partners or entities which comprise Charlestown Mall of Utica, LLC and how decision making authority is delegated within the company. Provide copies of documentation evidencing this.
3. Identify the current owner and/or operator of the Site and the date that the current ownership became effective. Provide copies of all documents evidencing or relating to such ownership.
4. Identify your position(s) within the Company since the Site was purchased.
5. State the name(s) and address(es) of the President, Chief Executive Officer, and Chairman of the Board, Partners or other presiding officer(s) of your Company.
6. State the name and address of any business in which the Company holds or previously held an ownership interest which has or had any connection to the Site. For each business, state the type of business, the Company's ownership interest (shareholder, sole proprietor, etc.), the date the Company obtained the interest in the business, the value of the entire business, the value of the Company's interest in the business, the name and address of each bank at which the business holds any bank accounts, certificates of deposit, or other financial instruments, or from which the business has borrowed money.
7. Describe the legal and business relationship between your Company and each of the following:
  - a. Gaetano Property Management;
  - b. Gaetano Property;
  - c. Gaetano Construction;
  - d. C G Properties;
  - e. Charles A Gaetano Construction;
  - f. Gaetano Associates, LLC;
  - g. Gaetano Construction Services, LLC;
  - h. Consolidated American Industries Corp.;
  - i. Gaetano Associates-Limited Partnership;
  - j. Sperry Univac;
  - k. Savage Arms Corporation;
  - l. Prime Capital Properties, Inc.;
  - m. Prime Capital Properties Two, Inc.;
  - n. Upstate Associates of Utica, Inc.;
  - o. Harold Wakefield; and

- p. J.L.B. Enterprises, LLC.
8. Explain what the Company intended to do with the Site which led to its decision to purchase the Site.
  9. Please provide signed copies of your Company's last five years of federal tax returns including all schedules thereto. Also provide audited financial statements for the last three years. If audited financial statements are not available, include unaudited statements. If no longer in business, please provide the last five years of returns submitted.
    - a. If your Company has filed for bankruptcy, provide all filings which document the claim, your Company's financial status, and the resolution of the bankruptcy.
  10. Provide copies of the Company's state tax returns filed for the last five years.
  11. Provide copies of any documents regarding any prior business operator/operations conducted at the Site prior to your involvement at the Site
  12. How and when did the Company first become aware of the asbestos contamination at the Site? What actions (if any) did the Company take to prevent further releases of asbestos at the Site as a result?
  13. Was the Company ever notified of a 1998 asbestos survey of the Site prepared by Jack Eisenbach Engineering, P.C.?
  14. Identify which building(s) at the Site have been demolished since Charlestown Mall of Utica, LLC took ownership of the Site and identify any contractors/individuals involved in conducting the demolition/salvaging operations.
  15. Identify any companies and/or individuals who have been involved in demolition and/or salvaging operations at the Site prior to your Company's ownership or operation at the Site.
  16. List all hazardous substances and industrial wastes that were part of or generated during operating processes performed at the Site either as a component employed in the formulation of a product, as a product made for sale, as a reagent in the manufacturing process, as a waste product, or as an item utilized in maintenance activities.
    - a. Identify all individuals who determined how hazardous substances and/or industrial wastes at the Site were stored, treated, disposed of, or otherwise handled at the Site; and
    - b. Explain in detail the duties and responsibilities with respect to management, control, and day-to-day operations, including waste management practices such as handling, storage, and disposal, and all other operations at the Site

related to environmental compliance.

17. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Site during your Company's ownership or operation at the Site. In addition, identify:
  - a. When such releases occurred;
  - b. How the releases occurred;
  - c. The amount of each hazardous substance, pollutant, or contaminant so released;
  - d. Where such releases occurred;
  - e. Whether the releases affected any surface water or if they were released to any storm drains;
  - f. Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
  - g. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including the results of any soil, water (ground and surface), or air testing undertaken; and
  - h. All persons with information relating to these releases.
18. To your knowledge, were any assessments, investigations, or cleanup of hazardous substances and/or industrial waste conducted at the Site? If yes, identify all environmental contractors and consultants and describe the response actions they conducted or planned to conduct at the Site and the date(s) that the action(s) took place. Provide copies of all letters, reports, and documents issued by all environmental contractors and consultants regarding the Site.
19. Currently at the Site, several buildings have deteriorated to the point of partially or completely collapsing. Since it is apparent that demolition and compaction of debris into the basements has also occurred at the Site, please answer the following:
  - a. Describe the condition of the buildings at the time your Company first operated/was involved at the Site;
  - b. Describe the circumstances that led to the advanced deteriorated state of these buildings and any steps taken by your Company to properly manage the asbestos-containing materials (ACM) within these buildings to prevent the release of asbestos into the environment; and

*Charlestown Mall Site, Frankfort, New York*

- c. Describe in detail any demolition activities conducted by your Company at the Site. Identify all parties involved in conducting the demolition and your Company's relationship with them and provide supporting documentation (contracts, agreements, etc.).
- 20. Identify any individuals with historical information regarding the manufacturing operations which took place at the Site.
- 21. Identify and provide copies of all insurance policies and indemnification agreements held or entered into which arguably could indemnify your Company against any liability which it may be found to have under CERCLA for releases and threatened releases of hazardous substances at and from the Site. In response to this request, please provide not only those insurance policies and agreements which currently are in effect, but also include those which were in effect during any portion of the time when the Company conducted operations at, or held a property interest in, the Site.
- 22. Supply any additional information or documents in your possession or available to you that may be relevant to the questions and/information requests which are the subject of this inquiry.
- 23. Identify any other person (e.g., individual, company, partnership, etc.) having knowledge of facts relating to the questions and/or information requests which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title and a description of their responsibilities.

**CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION**  
**Charlestown Mall Site, Frankfort, Herkimer County, New York**

State of

County of

I certify under of law that I have personally examined and am familiar with the information and all documents submitted in response to EPA's Request for Information, and based on my inquiry of those individuals immediately responsible for obtaining the information I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company response thereto should become known or available to the company.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
TITLE (print or type)

\_\_\_\_\_  
SIGNATURE

Sworn to before me this \_\_\_\_ day  
of \_\_\_\_\_, 2010

Notary Public

**FIGURE 1**  
Site Layout Diagram

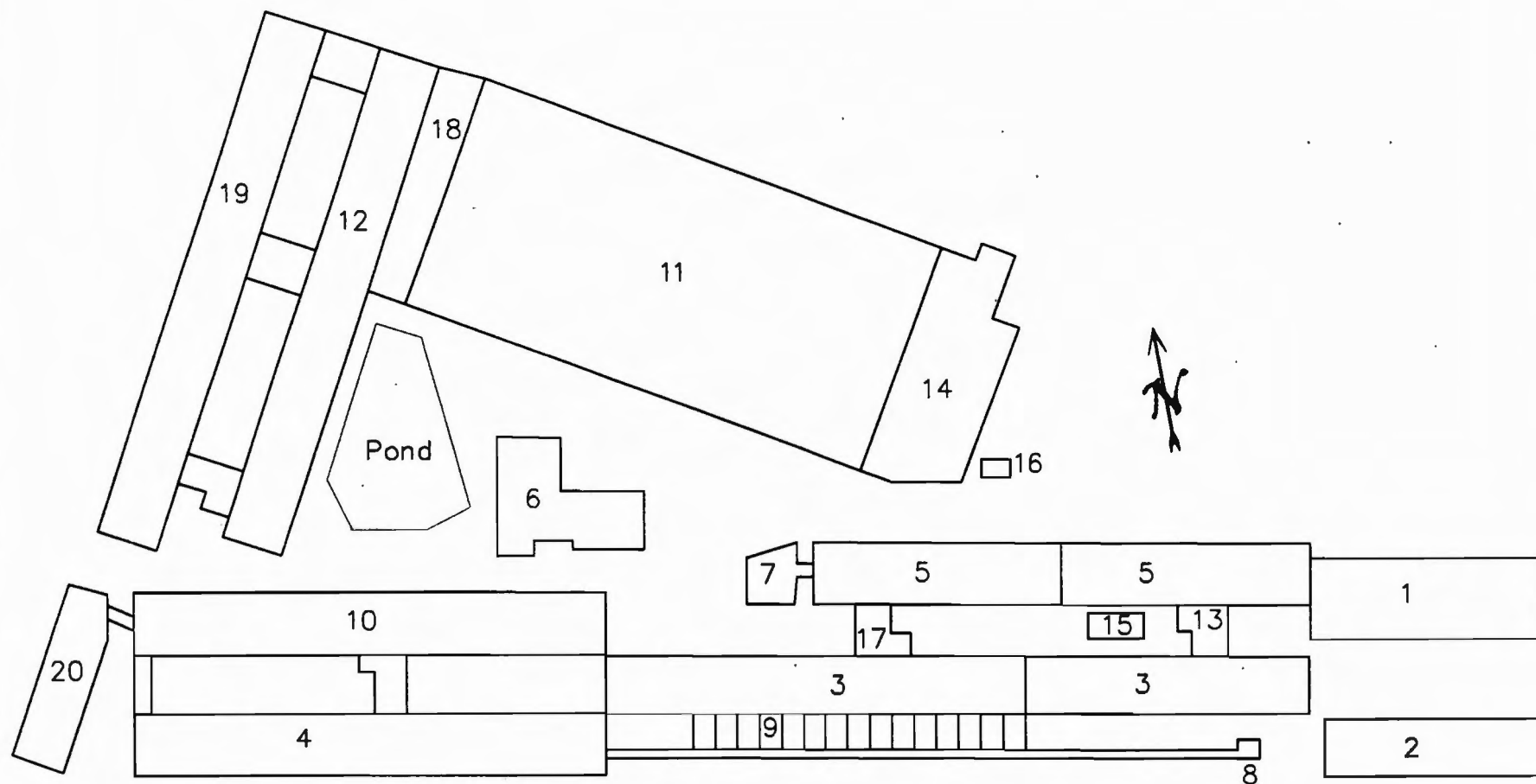


Figure 1 Building Layout Map

Charlestown Mall Site  
2205 Bleeker Street, Village of Frankfort, NY

U.S. Environmental Protection Agency,  
Region 2  
Emergency and Remedial Response Division  
Removal Action Branch  
2890 Woodbridge Ave, Edison, New Jersey



Office of Enforcement and Compliance Assurance  
**INFORMATION SHEET**

## U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### Compliance Assistance Centers

([www.assistancecenters.net](http://www.assistancecenters.net))

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

#### Agriculture

([www.epa.gov/agriculture](http://www.epa.gov/agriculture) or 1-888-663-2155)

#### Automotive Recycling Industry

([www.ecarcenter.org](http://www.ecarcenter.org))

#### Automotive Service and Repair

([www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK)

#### Chemical Industry

([www.chemalliance.org](http://www.chemalliance.org))

#### Construction Industry

([www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911)

#### Education

([www.campuserc.org](http://www.campuserc.org))

#### Healthcare Industry

([www.hercenter.org](http://www.hercenter.org) or 1-734-995-4911)

#### Metal Finishing

([www.nmfr.org](http://www.nmfr.org) or 1-734-995-4911)

#### Paints and Coatings

([www.paintcenter.org](http://www.paintcenter.org) or 1-734-995-4911)

#### Printed Wiring Board Manufacturing

([www.pwbr.org](http://www.pwbr.org) or 1-734-995-4911)

#### Printing

([www.pneac.org](http://www.pneac.org) or 1-888-USPNEAC)

### Transportation Industry

([www.transource.org](http://www.transource.org))

### Tribal Governments and Indian Country

([www.epa.gov/tribal/compliance](http://www.epa.gov/tribal/compliance) or 202-564-2516)

### US Border Environmental Issues

([www.bordercenter.org](http://www.bordercenter.org) or 1-734-995-4911)

The Centers also provide State Resource Locators ([www.envcap.org/statetools/index.cfm](http://www.envcap.org/statetools/index.cfm)) for a wide range of topics to help you find important environmental compliance information specific to your state.

### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

#### EPA's Home Page

[www.epa.gov](http://www.epa.gov)

#### Small Business Gateway

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)

#### Compliance Assistance Home Page

[www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance)

#### Office of Enforcement and Compliance Assurance

[www.epa.gov/compliance](http://www.epa.gov/compliance)

#### Voluntary Partnership Programs

[www.epa.gov/partners](http://www.epa.gov/partners)



## U.S. EPA SMALL BUSINESS RESOURCES

### Hotlines, Helplines & Clearinghouses

([www.epa.gov/epahome/hotline.htm](http://www.epa.gov/epahome/hotline.htm))

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

#### Clean Air Technology Center

([www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc) or 1-919-541-0800)

#### Emergency Planning and Community Right-To-Know Act

([www.epa.gov/superfund/resources/infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346)

#### EPA's Small Business Ombudsman Hotline

provides regulatory and technical assistance information.  
([www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888)

#### The National Environmental Compliance Assistance

**Clearinghouse** provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers  
([www.epa.gov/clearinghouse](http://www.epa.gov/clearinghouse))

**National Response Center** to report oil and hazardous substance spills.

([www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802)

#### Pollution Prevention Information Clearinghouse

([www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or 1-202-566-0799)

#### Safe Drinking Water Hotline

([www.epa.gov/safewater/hotline/index.html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791)

#### Stratospheric Ozone Refrigerants Information

([www.epa.gov/ozone](http://www.epa.gov/ozone) or 1-800-296-1996)

**Toxics Assistance Information Service** also includes asbestos inquiries.

(1-202-554-1404)

#### Wetlands Helpline

([www.epa.gov/owow/wetlands/wetline.html](http://www.epa.gov/owow/wetlands/wetline.html) or 1-800-832-7828)

### State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

#### EPA's Small Business Ombudsman

([www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888)

#### Small Business Environmental Homepage

([www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org) or 1-724-452-4722)

### Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

#### The Small Business Compliance Policy

([www.epa.gov/compliance/incentives/smallbusiness](http://www.epa.gov/compliance/incentives/smallbusiness))

#### Audit Policy

([www.epa.gov/compliance/incentives/auditing](http://www.epa.gov/compliance/incentives/auditing))

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

### Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

***EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.***

## **FIGURE 1**

Site Layout Diagram

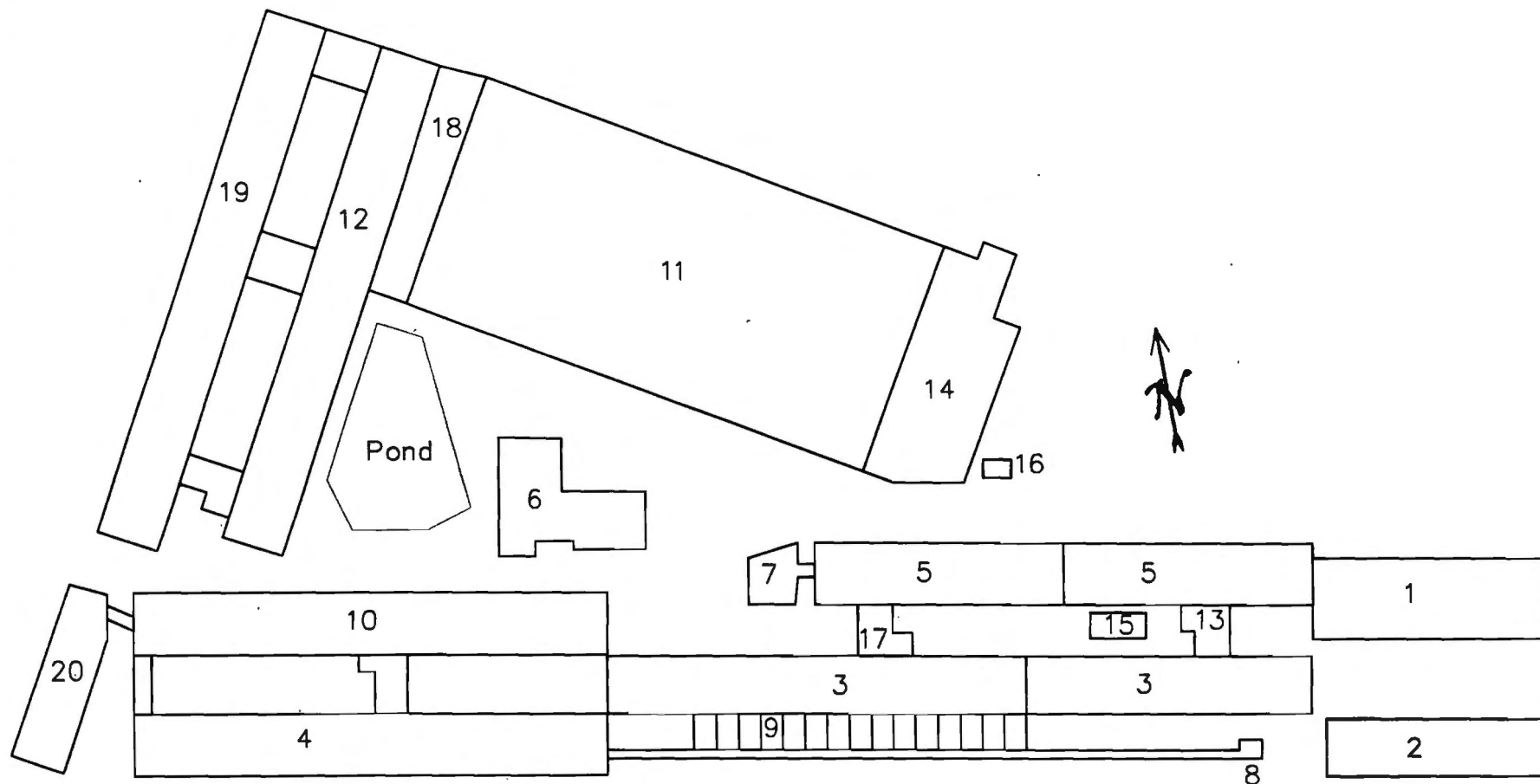


Figure 1 Building Layout Map

Charlestown Mall Site  
2205 Bleeker Street, Village of Frankfort, NY

U.S. Environmental Protection Agency,  
Region 2  
Emergency and Remedial Response Division  
Removal Action Branch  
2890 Woodbridge Ave, Edison, New Jersey



## Office of Enforcement and Compliance Assurance **INFORMATION SHEET**

### **U. S. EPA Small Business Resources**

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

#### **Compliance Assistance Centers**

([www.assistancecenters.net](http://www.assistancecenters.net))

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

#### **Agriculture**

([www.epa.gov/agriculture](http://www.epa.gov/agriculture) or 1-888-663-2155)

#### **Automotive Recycling Industry**

([www.ecarcenter.org](http://www.ecarcenter.org))

#### **Automotive Service and Repair**

([www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK)

#### **Chemical Industry**

([www.chemalliance.org](http://www.chemalliance.org))

#### **Construction Industry**

([www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911)

#### **Education**

([www.campuserc.org](http://www.campuserc.org))

#### **Healthcare Industry**

([www.hercenter.org](http://www.hercenter.org) or 1-734-995-4911)

#### **Metal Finishing**

([www.nmfrc.org](http://www.nmfrc.org) or 1-734-995-4911)

#### **Paints and Coatings**

([www.paintcenter.org](http://www.paintcenter.org) or 1-734-995-4911)

#### **Printed Wiring Board Manufacturing**

([www.pwbrc.org](http://www.pwbrc.org) or 1-734-995-4911)

#### **Printing**

([www.pneac.org](http://www.pneac.org) or 1-888-USPNEAC)

#### **Transportation Industry**

([www.transource.org](http://www.transource.org))

#### **Tribal Governments and Indian Country**

([www.epa.gov/tribal/compliance](http://www.epa.gov/tribal/compliance) or 202-564-2516)

#### **US Border Environmental Issues**

([www.bordercenter.org](http://www.bordercenter.org) or 1-734-995-4911)

The Centers also provide State Resource Locators

([www.envcap.org/statetools/index.cfm](http://www.envcap.org/statetools/index.cfm)) for a wide range of topics to help you find important environmental compliance information specific to your state.

#### **EPA Websites**

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

#### **EPA's Home Page**

[www.epa.gov](http://www.epa.gov)

#### **Small Business Gateway**

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)

#### **Compliance Assistance Home Page**

[www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance)

#### **Office of Enforcement and Compliance Assurance**

[www.epa.gov/compliance](http://www.epa.gov/compliance)

#### **Voluntary Partnership Programs**

[www.epa.gov/partners](http://www.epa.gov/partners)



## U.S. EPA SMALL BUSINESS RESOURCES

### Hotlines, Helplines & Clearinghouses

([www.epa.gov/epahome/hotline.htm](http://www.epa.gov/epahome/hotline.htm))

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

#### Clean Air Technology Center

([www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc) or 1-919-541-0800)

#### Emergency Planning and Community Right-To-Know Act

([www.epa.gov/superfund/resources/infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.

([www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888)

**The National Environmental Compliance Assistance Clearinghouse** provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers ([www.epa.gov/clearinghouse](http://www.epa.gov/clearinghouse))

**National Response Center** to report oil and hazardous substance spills.

([www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802)

#### Pollution Prevention Information Clearinghouse

([www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or 1-202-566-0799)

#### Safe Drinking Water Hotline

([www.epa.gov/safewater/hotline/index.html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791)

#### Stratospheric Ozone Refrigerants Information

([www.epa.gov/ozone](http://www.epa.gov/ozone) or 1-800-296-1996)

**Toxics Assistance Information Service** also includes asbestos inquiries.

(1-202-554-1404)

#### Wetlands Helpline

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